IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3742 OF 2007

Shri Maruti Sauba Sargar ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.Umesh R. Mankapure for the Petitioner.
Mr.S.G. Deshmukh for Respondent No.4.
Mr.V.P. Malvankar, AGP for Respondent Nos.1 to 3.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATED : DECEMBER 5, 2007

P.C. :-

. The only ground raised in this petition by the learned Counsel for the petitioner is that the Government Resolution dated 20th March 1999 giving first priority in allotment of Fair Price Shop to educated unemployed persons is contrary to the provisions of Section 32 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. According to the petitioner he is physically handicapped person. According to him, as per Section 32 of the above referred Act, first priority should have

been given to the handicapped person in allotment of Fair Price Shop. But perusal of Section 32 itself shows that it refers to the reservation of posts in service. It does not refer to giving any priority in allotment of Fair Price Shop. Section 32, therefore, will not apply where the Government is deciding to give priority in allotment of Fair Price Shop. Challenge raised in this petition to the Government Resolution has no substance.

. Writ Petition is rejected.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)